

*U.S. Patent Application No. 09/457,771  
Amendment and Response to Office Action  
Page 5*

**REMARKS**

The present application is directed to compositions and methods involving therapeutic delivery compounds. The compounds are particularly suited for the effective delivery of genetic matter and other compounds to the interior of cells.

Following entry of this amendment, Claims 1, 22-23 and 37-38 will be pending. Claims 2-21, 24-36 and 39-42 have been cancelled without prejudice. Claim 23 is currently amended. The Examiner indicated in the Office Action mailed June 29, 2006, that Claims 1, 22, 37 and 38 are allowed. No new matter is added and support for the amendments is found throughout the specification.

***Claim rejections under 35 U.S.C. § 112, first paragraph***

In the Office Action mailed June 29, 2006, the Examiner rejected Claim 23 under 35 U.S.C. §112, first paragraph, on the basis that the specification, although enabled for a method of using a nucleic acid to supply a normal copy of a gene to an animal with a defective copy of the gene wherein the nucleic acid comprises a normal copy of the gene, does not reasonably provide enablement for methods in which the nucleic acid does not comprise a normal copy of the gene. Applicants respectfully submit that the amendments to the claims over the rejection.

Claim 23 has been amended to clarify that the one or more nucleic acid molecules encodes a normal copy of the defective gene. Support for the above limitation can be found on at least page 20, lines 9-11 and Example III of the present application.

Accordingly, applicants respectfully request withdrawal of the rejections under 35 U.S.C. §112, first paragraph.

***Claim rejections under 35 U.S.C. § 103***

In the June 29, 2006 Office Action, the Examiner rejected Claims 25, 27, 28 and 30 as unpatentable under 35 U.S.C. §103(a) over Lee *et al.* (U.S. 5,470,568; hereinafter "Lee *et al.*"). In addition, the Examiner rejected Claim 29 as unpatentable under 35 U.S.C. §103(a) over Lee *et*

*U.S. Patent Application No. 09/457,771  
Amendment and Response to Office Action  
Page 6*

*al.* as applied to Claims 27, 28 and 29 above, in view of Bioccha *et al.* (Cytotechnology 5 S49-50, 1991) (hereinafter "Bioccha").

Claims 25 and 27-30 have been cancelled without prejudice. Accordingly, applicants respectfully submit that the rejection is now moot and request withdrawal of the rejection under 35 U.S.C. §103(a).

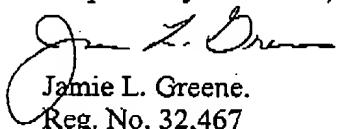
### CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action mailed June 29, 2006. For at least the reasons given above, applicants submit that the claims in the present application are in condition for allowance, and such action is courteously solicited.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

The Examiner is invited and encouraged to contact the undersigned attorney of record at 404-745-2473, or the telephone number listed below, if the Examiner believes any informalities remain in the application that may be corrected by Examiner's Amendment or there are any other issues that can be resolved by telephone interview.

Respectfully submitted,



Jamie L. Greene.  
Reg. No. 32,467

KILPATRICK STOCKTON LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309  
Telephone: 404-815-6500  
Attorney Docket No. 42896-216422 (CYT-0624)